

Title 28-A: LIQUORS
Chapter 1: GENERAL PROVISIONS

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Maine Revised Statutes
Title 28-A: LIQUORS
Chapter 1: GENERAL PROVISIONS

§1. COMPLIANCE REQUIRED; PENALTY

Any person who purchases, imports, transports, manufactures, possesses or sells alcohol in violation of law commits a Class E crime. [1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY
1987, c. 45, §A4 (NEW).

§1-A. LICENSE REQUIRED

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title. [2013, c. 476, Pt. A, §1 (NEW).]

SECTION HISTORY
2013, c. 476, Pt. A, §1 (NEW).

§2. DEFINITIONS

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 45, Pt. A, §4 (NEW).]

1. Agency liquor store. "Agency liquor store" means a person who is licensed by the bureau to sell spirits to be consumed off the premises.

[2005, c. 539, §1 (AMD) .]

2. Alcohol. "Alcohol" means the substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar, potatoes or other substances, and includes all dilutions and mixtures of these substances.

[1987, c. 45, Pt. A, §4 (NEW) .]

2-A. Alcohol bureau.

[2013, c. 368, Pt. V, §5 (RP) .]

3. Bottle club. "Bottle club" means a person operating on a regular, profit or nonprofit basis a facility for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintains suitable facilities for the use of members on a regular basis or charges an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor. As used in this definition, "regularly" includes daily, weekly or monthly, but does not include once a year or less often. A bottle club is not a public place, as defined in Title 17, section 2003-A.

A. "Bottle club premises" includes all parts of contiguous real estate occupied by the bottle club over which the bottle club owner has direct or indirect control or interest and which the bottle club owner uses in the operation of the bottle club. [1987, c. 45, Pt. A, §4 (NEW).]

[1987, c. 45, Pt. A, §4 (NEW) .]

4. Bottler. "Bottler" means a person who packages spirits, wine or beer for sale in containers, and is not engaged in distilling, brewing, fermenting or rectifying liquor.

[1987, c. 45, Pt. A, §4 (NEW) .]

5. Brewer. "Brewer" means a person who produces malt liquor by fermentation of malt, wholly or partially, or from any substitute for malt.

[1987, c. 45, Pt. A, §4 (NEW) .]

6. Bureau. "Bureau" means the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations.

[2013, c. 368, Pt. V, §6 (AMD) .]

6-A. B.Y.O.B. function. "B.Y.O.B. function" means an event held by a B.Y.O.B. sponsor where:

A. The general public is invited; [1993, c. 266, §1 (NEW) .]

B. Admission is or is not charged; [1993, c. 266, §1 (NEW) .]

C. A person brings liquor for personal consumption; [1993, c. 266, §1 (NEW) .]

D. No liquor is sold; and [1993, c. 266, §1 (NEW) .]

E. Entertainment is provided. [1993, c. 266, §1 (NEW) .]

[1993, c. 266, §1 (NEW) .]

6-B. B.Y.O.B sponsor. "B.Y.O.B sponsor" means a person who conducts or holds a B.Y.O.B. function and is not required to register as a bottle club pursuant to section 161.

[1993, c. 266, §1 (NEW) .]

7. Catering. "Catering" means service of liquor with or without food by a person to groups at a prearranged function.

A. "Off-premise catering" means service of liquor with or without food by a licensee to groups at prearranged functions located at a place other than the licensee's premises. [1987, c. 45, Pt. A, §4 (NEW) .]

B. "On-premise catering" means service of liquor with or without food by a licensed club having the catering privilege to groups of nonmembers at prearranged functions. [1987, c. 45, Pt. A, §4 (NEW) .]

[1987, c. 45, Pt. A, §4 (NEW) .]

8. Certificate of approval holder. "Certificate of approval holder" means an instate manufacturer, out-of-state manufacturer or out-of-state wholesaler licensed by the bureau.

[1997, c. 373, §11 (AMD) .]

8-A. Chief.

[2003, c. 451, Pt. T, §8 (RP) .]

8-B. Commission. "Commission" means the State Liquor and Lottery Commission established in Title 5, section 12004-G, subsection 14.

[1997, c. 373, §13 (NEW) .]

9. Commission.

[1993, c. 730, §6 (RP) .]

9-A. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

[2013, c. 368, Pt. V, §7 (AMD) .]

10. Corporation. "Corporation" means a corporation organized and incorporated under the laws of the State or authorized to transact business within the State.

[1987, c. 45, Pt. A, §4 (NEW) .]

10-A. Director.

[1993, c. 730, §7 (RP) .]

11. Distiller. "Distiller" means a person who produces spirits by the process of distillation.

[1987, c. 45, Pt. A, §4 (NEW) .]

11-A. Farm winery.

[2011, c. 629, §1 (RP) .]

11-B. Fortified wine. "Fortified wine" means:

A. Any liquor containing more than 15.5% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar; and [1999, c. 535, §1 (NEW).]

B. Wine to which spirits have been added as long as the resulting liquor does not exceed 24% alcohol by volume. [1999, c. 535, §1 (NEW).]

[1999, c. 535, §1 (NEW) .]

11-C. Electronic funds transfer. "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.

[2013, c. 476, Pt. A, §2 (AMD) .]

12. Fortified wine.

[1993, c. 462, §1 (RP) .]

12-A. (TEXT EFFECTIVE UNTIL 1/1/17) Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 7% alcohol by volume.

[2009, c. 652, Pt. A, §41 (AMD) .]

12-A. (TEXT EFFECTIVE 1/1/17) Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 8.5% alcohol by volume.

[2015, c. 441, §1 (AMD); 2015, c. 441, §2 (AFF) .]

13. Imitation liquor. "Imitation liquor" means any product containing less than 1/2 of 1% alcohol by volume which seeks to imitate by appearance, taste and smell liquor or which is designed to carry the impression to the purchaser that the beverage has an alcohol content. "Imitation liquor" includes, but is not limited to, products bearing the brand names "Near Beer," "Brew" or "Champaigne-0."

[1987, c. 45, Pt. A, §4 (NEW) .]

13-A. Law enforcement officer. "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, or to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C.

[2013, c. 133, §23 (AMD) .]

14. Licensee. "Licensee" means a person licensed by the bureau. "Licensee" includes, but is not limited to, agency liquor stores and certificate of approval holders.

[2013, c. 368, Pt. V, §9 (AMD) .]

15. Licensed establishment. "Licensed establishment" means premises to which a license for the sale of spirits, wine or malt liquor to be consumed on or off the licensed premises applies, and any person or organization which is licensed to sell spirits, wine or malt liquor in the times, places and manners as specified in the license. The following may be licensed establishments.

A. "Airline" means any person operating regularly scheduled intrastate or interstate passenger air transportation. [1987, c. 45, Pt. A, §4 (NEW) .]

B. "Auditorium" means any commercially operated facility designed or used for the gathering of an audience for speeches and live performances of theater, music, dance or other performing arts, which charges a fee and which has adequate facilities for the sale and consumption of liquor. [1989, c. 158, §1 (REEN) .]

B-1. "Bowling center" means an indoor facility operating at least 8 regulation lanes for the purpose of conducting the game of bowling which is open to the general public and which has suitable facilities for the sale and consumption of liquor. [1989, c. 244, §1 (NEW) .]

B-2. Bed and breakfast. "Bed and breakfast" means a place that advertises itself as a bed and breakfast where the public for a fee may obtain overnight accommodations that include a sleeping room or rooms and at least one meal per day. [1993, c. 730, §9 (NEW) .]

C. "Civic auditorium" means a municipal, county or state or a quasi-municipal, quasi-county or quasi-state owned or operated auditorium or civic center. [1987, c. 45, Pt. A, §4 (NEW) .]

D. "Club" means any reputable group of individuals incorporated and operating in a bona fide manner solely for purposes of recreational, social, patriotic or fraternal nature and not for pecuniary gain.

(1) "Club member" means a person who, whether as a charter member or admitted in accordance with the bylaws of the club, has become a bona fide member of that club and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address is entered on the list of members. No person who does not have full club privileges may be considered a bona fide member. [1987, c. 45, Pt. A, §4 (NEW) .]

D-1. "Curling club" means any facility offering curling facilities to the public for a fee that has adequate facilities for the sale and consumption of liquor. [1995, c. 558, §1 (NEW).]

E. "Dining car" and "passenger car" mean cars in which food and liquor are served. [1987, c. 342, §3 (RPR).]

F. [1987, c. 342, §4 (RP).]

G. "Golf club" means any commercially operated facility, whether publicly or privately owned, offering golfing facilities to the general public for a fee, which includes a regulation size golf course of not less than 9 holes and an average total of not less than 1,200 yards per 9 holes, which has a value of not less than \$100,000, which offers food for sale to the public and which has adequate facilities for the sale and consumption of liquor. [1987, c. 45, Pt. A, §4 (NEW).]

H. "Hotel" means any reputable place operated by responsible persons of good reputation, where the public obtains sleeping accommodations for a consideration and where meals may be served, whether or not under one roof.

(1) A hotel is considered to be serving meals when it provides on the premises one or more public dining rooms, open and serving food during the morning, afternoon and evening, and a separate kitchen in which food is regularly prepared for the public.

(2) Nothing in this paragraph may be held to prevent the bureau from issuing part-time licenses to bona fide part-time hotels.

(3) "Hotel guest" means a person whose name and address is registered on the registry maintained by the hotel and who is the bona fide occupant of a room of the hotel. A person registering solely for the purpose of obtaining liquor is not considered a hotel guest. [2005, c. 539, §2 (AMD).]

I. "Incorporated civic organization" means any organization incorporated as a corporation without stock under Title 13, chapter 81 or Title 13-B with a civic or charitable purpose, including but not limited to relief of poverty, advancement of education and the arts, promotion of social health, safety and welfare, fostering community and economic development, protection against animal cruelty, combating community deterioration, lessening the burdens of government and providing assistance to the underprivileged and distressed. [2015, c. 214, §1 (AMD).]

J. "Indoor ice skating club" means any commercially operated indoor facility offering ice skating facilities to the general public, which charges a fee and which has adequate facilities for the sale and consumption of liquor. [1987, c. 45, Pt. A, §4 (NEW).]

K. "Indoor racquet club" means any commercially operated indoor facility with 4 or more courts or areas designed or used for the playing of any racquet sport, which is open to the general public, which charges a fee and which has adequate facilities for the sale and consumption of liquor. Racquet sports include tennis, squash, handball, paddleball and badminton. [1987, c. 45, Pt. A, §4 (NEW).]

K-1. "International air terminal" means an airport served by one or more bona fide international air carriers. [1987, c. 342, §6 (NEW).]

L. "Class A lounge" means a reputable place operated by responsible persons of good reputation, where food and liquor are sold at tables, booths and counters. [1987, c. 45, Pt. A, §4 (NEW).]

M. "Outdoor stadium" means any commercially operated outdoor facility with 3,000 or more fixed seats designed or used for the playing of any sport or event that is open to the general public, charges a fee and has adequate facilities for the sale and consumption of wine and malt liquor. [2011, c. 629, §3 (AMD).]

N. "Performing arts center" means any charitable or nonprofit corporation incorporated as a corporation without capital stock under Title 13, chapter 81, and which has as its primary purpose the encouragement, promotion and presentation of the arts for the benefit of the general public. [1987, c. 45, Pt. A, §4 (NEW).]

O. "Public service corporation" means an airline, railroad or vessel corporation operating in the State. [1987, c. 45, Pt. A, §4 (NEW).]

P. "Qualified catering service" means a catering establishment as defined in Title 22, chapter 562, and licensed by the Department of Health and Human Services. [1987, c. 45, Pt. A, §4 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

Q. "Restaurant" means a reputable place operated by responsible persons of good reputation, which is regularly used for the purpose of providing food for the public, and which has adequate and sanitary kitchen and dining room equipment and capacity for preparing and serving suitable food for the public. [1987, c. 45, Pt. A, §4 (NEW).]

R. "Class A restaurant" means a reputable place operated by responsible persons of good reputation that is regularly used for the purpose of providing full course meals for the public on the premises, that is equipped with a separate and complete kitchen, and that maintains adequate dining room equipment and capacity for preparing and serving full course meals upon the premises. A Class A restaurant/lounge is not a Class A restaurant.

(1) A full course meal consists of a diversified selection of food that ordinarily cannot be consumed without the use of tableware and that cannot be conveniently consumed while standing or walking. [1993, c. 410, Pt. ZZ, §4 (AMD).]

R-1. "Class A restaurant/lounge" means a reputable place operated by responsible persons of good reputation that is regularly used for the purpose of providing full course meals for the public on the premises, that is equipped with a separate and complete kitchen, and that maintains adequate dining room equipment and capacity for preparing and serving full course meals upon the premises but that:

(1) After 9 p.m., serves liquor and does not serve full course meals; or

(2) Maintains a room or rooms, separate from the main restaurant space, in which full course meals are not regularly served and where liquor is sold at tables, booths and counters.

For purposes of this paragraph, the term "full course meals" means meals consisting of a diversified selection of food that ordinarily can not be consumed without the use of tableware and that can not be conveniently consumed while standing or walking. [1993, c. 410, Pt. ZZ, §5 (NEW).]

R-2. [2003, c. 493, §14 (AFF); 2003, c. 493, §7 (RP).]

R-3. [2003, c. 493, §14 (AFF); 2003, c. 493, §7 (RP).]

S. "Ship chandler" means a retail establishment supplying provisions, including malt liquor and wine, to ships of foreign registry. [1987, c. 45, Pt. A, §4 (NEW).]

T. [1987, c. 342, §7 (RP).]

T-1. "Tavern" means a reputable place operated by responsible persons where food may be sold and malt liquor may be sold at tables, booths and counters. [1987, c. 342, §8 (NEW).]

U. [1987, c. 342, §9 (RP).]

V. "Vessel" means any ship, vessel or boat of any kind used for navigation of the coastal water or for commercial navigation of inland waters and licensed for carrying not less than 25 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard. [1997, c. 656, §1 (AMD).]

[2015, c. 214, §1 (AMD) .]

15-A. Liquor Licensing and Tax Division.

[2013, c. 368, Pt. V, §10 (RP) .]

16. Liquor. "Liquor" means spirits, wine, malt liquor or hard cider, or any substance containing liquor, intended for human consumption, that contains more than 1/2 of 1% of alcohol by volume.

[1997, c. 767, §2 (AMD) .]

16-A. Low-alcohol spirits product. "Low-alcohol spirits product" means a product containing spirits that has an alcohol content of 8% or less by volume.

[2011, c. 629, §4 (AMD) .]

17. Maine farm winery.

[1993, c. 730, §11 (RP) .]

18. Malt liquor. "Malt liquor" means liquor produced by the fermentation of malt, wholly or partially, or from any malt substitute, which contains 1/2 of 1% of alcohol or more by volume. "Malt liquor" includes, but is not limited to, ale, beer, porter and stout. "Malt liquor" includes beverages made with malt liquor, but to which no spirits are added.

[1987, c. 342, §10 (AMD) .]

19. Manufacturer. "Manufacturer" means a person who distills, rectifies, brews, ferments, bottles or otherwise produces liquor.

[1987, c. 45, Pt. A, §4 (NEW) .]

19-A. Minibar. "Minibar" means a self-contained, locking cabinet, refrigerated or unrefrigerated, designed for the storage, dispensation and sale of alcoholic beverages and related merchandise.

[2009, c. 458, §1 (NEW) .]

20. Minor. "Minor" means a person who has not reached the age of 21 years.

[1987, c. 45, Pt. A, §4 (NEW) .]

21. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of plantations.

[1987, c. 45, Pt. A, §4 (NEW) .]

22. Municipality. "Municipality" means a city, town or plantation.

[1987, c. 45, Pt. A, §4 (NEW) .]

23. Person. "Person" means an individual, partnership, corporation, firm, association or other legal entity.

[1987, c. 45, Pt. A, §4 (NEW) .]

23-A. Pool hall. "Pool hall" means a pool hall or billiard room that contains at least 6 regulation pool tables and generates at least 50% of its gross annual income from the sale of games of pool or the rental of pool tables.

[1999, c. 760, §1 (NEW) .]

24. Premises. "Premises" means all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest that the licensee uses in the operation of the licensed business and that have been approved by the bureau as proper places for the exercise of the license privilege.

A. "Premises" includes the place where an incorporated civic organization sells or serves spirits, wine and malt liquor under a license obtained under section 1071. [1987, c. 45, Pt. A, §4 (NEW).]

B. "Premises" includes the place where a B.Y.O.B. sponsor holds or conducts a B.Y.O.B. function under a permit obtained under section 163. [1993, c. 266, §2 (NEW).]

[1997, c. 373, §16 (AMD) .]

25. Rectifier. "Rectifier" means a person who produces spirits by combining spirits with other products.

[1987, c. 45, Pt. A, §4 (NEW) .]

25-A. Retail employee. "Retail employee" means any person employed by a retailer to sell liquor in a licensed establishment or agency liquor store. For the purposes of violations of this Title and rules of the bureau, a retail employee is deemed an agent of the retailer or agency liquor store that employs that employee.

[2013, c. 368, Pt. V, §11 (AMD) .]

26. Retail sale. "Retail sale" means any single sale of liquor of less than 20 gallons, or its metric equivalent, for consumption on or off the premises where sold and whether in the original package or as a mixed drink for immediate consumption.

[1987, c. 45, Pt. A, §4 (NEW) .]

27. Retailer. "Retailer" means any person licensed by the bureau to engage in the purchase and resale of liquor in the original container or by the drink, for consumption on or off the premises where sold. "Retailer" does not include wholesalers as defined in subsection 35.

A. "Off-premise retail licensee" means a person licensed to sell liquor in sealed bottles, containers or original packages to be consumed off the premises where sold. [1987, c. 342, §11 (AMD) .]

B. "On-premise retail licensee" means a person licensed to sell liquor to be consumed on the premises where sold. [1987, c. 45, Pt. A, §4 (NEW) .]

[1997, c. 373, §18 (AMD) .]

27-A. Reselling agent. "Reselling agent" means an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to a retail licensee licensed for on-premises consumption.

[2001, c. 711, §1 (NEW) .]

28. Sale or sell. "Sale" or "sell" means any transfer or delivery of liquor for a consideration.

[1987, c. 45, Pt. A, §4 (NEW) .]

29. Small brewery. "Small brewery" means a facility that is brewing, lagering and kegging, bottling or packaging its own malt liquor, not to exceed 50,000 gallons per year.

[1993, c. 730, §12 (AMD) .]

29-A. Small distillery. "Small distillery" means a distiller that produces distilled spirits in an amount that does not exceed 50,000 gallons per year.

[2005, c. 390, §1 (NEW) .]

29-B. Small winery. "Small winery" means a facility that is fermenting, aging and bottling its own wine, not to exceed 50,000 gallons per year.

[2011, c. 629, §5 (NEW) .]

30. Sparkling wine. "Sparkling wine" means carbonated wine.

[1987, c. 45, Pt. A, §4 (NEW) .]

31. Spirits. "Spirits" means any liquor produced by distillation or, if produced by any other process, strengthened or fortified by the addition of distilled spirits of any kind. "Spirits" does not include low-alcohol spirits products or fortified wine.

[1999, c. 535, §2 (AMD) .]

31-A. Spirits administration. "Spirits administration" or "administration" means the management of spirits activities involving the distribution and sale of spirits by the bureau or any person awarded a contract under section 90. "Spirits administration" includes, but is not limited to, financial and performance management; profitable and responsible growth management; management of contracts; management of agency liquor store matters and orders; personnel management; monitoring and reporting of spirits inventory; management of bailment records and billing; management of accounts receivable, accounts payable and tax collection and reporting; and sales and profit reporting. "Spirits administration" does not include warehousing and distribution of spirits by the bureau.

[2013, c. 269, Pt. A, §1 (NEW); 2013, c. 368, Pt. V, §61 (REV) .]

31-B. Spirits trade marketing. "Spirits trade marketing" or "trade marketing" means oversight and management by the bureau or any person awarded a contract under section 90. "Spirits trade marketing" includes, but is not limited to, agency liquor store category management, analysis and recommendations; agency liquor store shelf reset recommendations; agency liquor store displays, advertising, point-of-sale material and event marketing recommendations; development, production and distribution of sales, marketing and informational publications; consultation and coordination with suppliers and brokers on matters affecting their brands; and development, production and distribution of any social responsibility initiatives and compliance related to those initiatives.

[2013, c. 269, Pt. A, §1 (NEW); 2013, c. 368, Pt. V, §61 (REV) .]

32. State liquor store.

[2013, c. 368, Pt. V, §12 (RP) .]

32-A. Tenant brewer. "Tenant brewer" means a person who has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the brewer to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor at a manufacturing facility of another brewer who is licensed by the bureau.

[2013, c. 345, §1 (NEW) .]

32-B. Tenant winery. "Tenant winery" means a person who has been issued an approved application for an alternating proprietorship from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the winery to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce wine or hard cider at a manufacturing facility of another winery who is licensed by the bureau.

[2015, c. 185, §1 (NEW) .]

33. Unincorporated place. "Unincorporated place" means a place which is not incorporated as a municipality.

[1987, c. 45, Pt. A, §4 (NEW) .]

34. Wholesale licensee. "Wholesale licensee" means a person licensed by the bureau as a wholesaler.

[1997, c. 373, §20 (AMD) .]

35. Wholesaler. "Wholesaler" means a person who engages in the purchase and resale of malt or brewed beverages or wines, or both, in sealed bottles, containers or original packages, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, except when taste testing, on the premises of that wholesaler.

[1987, c. 342, §12 (AMD) .]

36. Wine. "Wine" means any liquor containing not more than 24% alcohol by volume that is produced by the fermentation of fruit or other agricultural products containing sugar or wine to which spirits have been added not to exceed 24% by volume. "Wine" includes, but is not limited to, wine coolers, table wine, still wine, sparkling wine, champagne and fortified wine, provided that the alcohol content is not above 24% by volume.

[1993, c. 462, §5 (AMD) .]

37. Winery. "Winery" means a facility that ferments, ages and bottles wine and hard cider.

[1997, c. 767, §3 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §§2-13 (AMD). 1989, c. 158, §1 (AMD). 1989, c. 244, §1 (AMD). 1989, c. 526, §§1,28 (AMD). 1991, c. 376, §46 (AMD). 1991, c. 528, §§VV1,2 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §§VV1,2 (AMD). 1991, c. 780, §§Y122,123 (AMD). 1993, c. 266, §§1,2 (AMD). 1993, c. 410, §§ZZ1-5 (AMD). 1993, c. 462, §§1-5 (AMD). 1993, c. 730, §§4-12 (AMD). 1995, c. 558, §§1,2 (AMD). 1997, c. 373, §§10-20 (AMD). 1997, c. 656, §1 (AMD). 1997, c. 767, §§1-3 (AMD). 1999, c. 421, §3 (AMD). 1999, c. 535, §§1,2 (AMD). 1999, c. 760, §1 (AMD). 2001, c. 711, §1 (AMD). 2003, c. 451, §§T7,8 (AMD). 2003, c. 493, §7 (AMD). 2003, c. 493, §14 (AFF). 2003, c. 689, §B6 (REV). 2005, c. 390, §1 (AMD). 2005, c. 539, §§1-3 (AMD). 2009, c. 142, §13 (AMD). 2009, c. 458, §1 (AMD). 2009, c. 652, Pt. A, §41 (AMD). 2011, c. 629, §§1-5 (AMD). 2013, c. 133, §23 (AMD). 2013, c. 269, Pt. A, §1 (AMD). 2013, c. 345, §1 (AMD). 2013, c. 368, Pt. V, §§5-12 (AMD). 2013, c. 368, Pt. V, §61 (REV). 2013, c. 476, Pt. A, §2 (AMD). 2015, c. 185, §1 (AMD). 2015, c. 214, §1 (AMD). 2015, c. 441, §1 (AMD). 2015, c. 441, §2 (AFF).

§3. PAYMENTS BY CHECK

(REPEALED)

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1993, c. 730, §13 (RPR). 1997, c. 373, §§21,22 (AMD). 2013, c. 368, Pt. V, §13 (RP).

§3-A. PAYMENTS

(REPEALED)

SECTION HISTORY

2013, c. 368, Pt. V, §14 (NEW). 2013, c. 476, Pt. A, §3 (RP).

§3-B. PAYMENTS SUBMITTED TO THE BUREAU

1. Form of payment. The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

A. Purchase of spirits and, until June 30, 2014, fortified wine; [2013, c. 476, Pt. A, §4 (NEW) .]

B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and [2013, c. 476, Pt. A, §4 (NEW) .]

C. Payment of any other fees or taxes authorized by this Title. [2013, c. 476, Pt. A, §4 (NEW) .]

[2013, c. 476, Pt. A, §4 (NEW) .]

2. Timing of payment from agency liquor store. An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or an entity awarded a contract under section 90 when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.

[2013, c. 476, Pt. A, §4 (NEW) .]

3. Payments returned for insufficient funds or not honored; suspension. If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter 375, subchapter 5, may immediately suspend the licensee's license. The director of the bureau or the director's designee shall notify the licensee of the suspension and shall demand that the licensee provide proof of payment within 30 days of the date of suspension. If the licensee fails to show proof that the payment returned for insufficient funds or not honored was subsequently paid in full, the suspension remains in effect until payment is made or until the license is subject to renewal as provided in section 458. A licensee aggrieved by a decision of the director or the director's designee may request in writing and must be granted a hearing before the District Court, which shall consider the matter in the same manner as is provided in section 803. The bureau may require a licensee whose payment is returned for insufficient funds or not honored to make all payments to the bureau by cash, certified check or money order only for a period not to exceed one

year for each instance of payments returned for insufficient funds or not honored. For the purposes of this subsection, payments made to the bureau include payments to the entity contracted by the State under section 90.

[2013, c. 476, Pt. A, §4 (NEW) .]

SECTION HISTORY

2013, c. 476, Pt. A, §4 (NEW).

§4. BUSINESS DAYS AND HOURS

No liquor may be sold except as provided in this section. [1987, c. 45, Pt. A, §4 (NEW) .]

1. Hours for sale of liquor. Except as provided in paragraphs B and D, licensees may sell or deliver liquor from 5 a.m. on any day until 1 a.m. of the following day.

A. [2015, c. 74, §1 (RP) .]

B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary. [1987, c. 45, Pt. A, §4 (NEW) .]

C. [1993, c. 266, §3 (RP) .]

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day. [2001, c. 21, §1 (NEW) .]

[2015, c. 74, §1 (AMD) .]

2. Consumption and possession of liquor. Except as provided in paragraphs A and B, licensees may not permit the consumption or possession of liquor on their premises after 1:15 a.m.

A. Licensees may permit the consumption of liquor on their premises until 2:15 a.m. on January 1st. [1987, c. 45, Pt. A, §4 (NEW) .]

B. This subsection does not apply to consumption or possession by bona fide hotel guests in their rooms. [1993, c. 730, §14 (AMD) .]

[1993, c. 730, §14 (AMD) .]

3. Regulation of bottle clubs. Except as provided in paragraph A, municipalities may regulate the hours of operation of bottle clubs between the hours of 1 a.m. and 6 a.m.

A. Municipalities may regulate the hours of operation of bottle clubs between the hours of 2 a.m. and 6 a.m. on January 1st. [1987, c. 45, Pt. A, §4 (NEW) .]

[1987, c. 45, Pt. A, §4 (NEW) .]

4. Local option decisions govern. Except as provided in subsection 1, paragraph B and section 353, nothing in this section may be construed to allow the sale of liquor in municipalities in violation of chapter 5.

[1991, c. 528, Pt. PP, §1 (AMD); 1991, c. 528, Pt. RRR, (AFF); 1991, c. 591, Pt. PP, §1 (AMD) .]

5. Illegal sales and purchases on Sunday.

[2015, c. 74, §2 (RP) .]

6. Penalty.

[2015, c. 74, §2 (RP) .]

7. License or right to sell on Sunday suspended or revoked.

[1987, c. 342, §14 (RP) .]

8. License suspended during appeal of conviction.

[1987, c. 342, §14 (RP) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 342, §14 (AMD). 1991, c. 528, §PP1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §PP1 (AMD). 1993, c. 266, §3 (AMD). 1993, c. 730, §14 (AMD). 1995, c. 46, §1 (AMD). 1995, c. 159, §1 (AMD). 2001, c. 21, §1 (AMD). 2013, c. 2, §1 (AMD). 2013, c. 240, §1 (AMD). 2013, c. 476, Pt. A, §5 (AMD). 2015, c. 74, §§1, 2 (AMD).

§5. PREVAILING TIME

The hours referred to in this Title are the legal time prevailing in the State on the day of the sale or other activity. [1987, c. 45, Pt. A, §4 (NEW).]

SECTION HISTORY

1987, c. 45, §A4 (NEW).

§6. FORM OF ADVERTISING RESTRICTED

1. Advertising form subject to bureau authorization. No person may advertise liquor within the State, except in the form specifically authorized by the bureau. Radio, television, billboards, signs, newspapers, magazines and periodicals may carry advertising subject to the rules of the bureau.

[1997, c. 373, §23 (AMD) .]

2. Bureau may adopt rules governing advertising brand names in local option areas. The bureau may adopt rules restricting the advertising of any type of liquor by brand names during the period when such sales are prohibited in any municipality that has voted in any particular local option election against the sale of all types of liquor.

[1997, c. 373, §23 (AMD) .]

3. Use of picture or representation of State House prohibited. No person may use or display a picture or other form of representation of the State House for the advertising of liquor.

[1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §23 (AMD).

§7. ACTION NOT MAINTAINABLE UPON PROMISE TO PAY FOR LIQUOR

1. No action maintainable for promises to pay for liquor. Except as provided in paragraph A, no action may be maintained upon any claim or demand, promissory note or other security contracted or given for liquor sold in violation of any of the provisions of this Title, or for any liquor purchased out of the State with intent to sell all or any part in violation of this Title.

A. This section does not apply to negotiable paper in the hands of a holder for a valuable consideration and without notice of the illegality of the contract. [1987, c. 45, Pt. A, §4 (NEW).]

[1987, c. 45, Pt. A, §4 (NEW) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW).

§8. ENTRANCES FROM PREMISES

The bureau may grant written permission to a licensee to maintain entrances, doorways or other apertures leading directly from the licensed premises. [1997, c. 373, §24 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §24 (AMD).

§9. SEPARATION OF AREAS

The bureau shall establish rules for the separation of areas where the license privilege may be exercised from areas where it may not be exercised, but complete nonaccess between the areas controlled by the licensee need not be required. [1997, c. 373, §24 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §24 (AMD).

§10. CLASS A RESTAURANT AND OFF-PREMISE RETAIL LICENSEE ON SAME PREMISES

1. Class A restaurant or restaurant and off-premise retail licensee on same premises not prohibited. If a portion of premises is licensed as an off-premise retail licensee, no provision within this Title may be construed to prohibit issuance of a Class III or Class IV license to the same licensee for a restaurant or Class A restaurant for the remaining portion of the premises, as long as necessary qualifications are maintained for each separately licensed area.

[2013, c. 344, §1 (AMD) .]

2. Access between the 2 licensed areas. There may be access between the 2 licensed areas for the licensee or the licensee's employees if it is through areas open only to the licensee or the employees. There must be complete nonaccess between the 2 licensed areas by the public.

[2013, c. 344, §1 (AMD) .]

2-A. Access exception.

[2013, c. 344, §1 (NEW); T. 28-A, §10, sub-§2-A (RP) .]

2-B. Access exception. Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed. [2015, c. 494, Pt. D, §9 (NEW).]

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying a full meal prepared in a separate and complete kitchen on the premises. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking. [2015, c. 494, Pt. D, §9 (NEW).]

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of alcoholic beverages from one licensed area to another is strictly prohibited. [2015, c. 494, Pt. D, §9 (NEW).]

[2015, c. 494, Pt. D, §9 (NEW).]

3. Licensee to maintain separate records, supplies and inventory. The licensee shall maintain records within each separate licensed establishment in accordance with the appropriate license privilege authorized for each separate area. The licensee shall maintain supplies and inventory separately in accordance with the appropriate license privilege either in each separate licensed establishment or, with prior approval of the bureau, in one storage area on the premises with appropriate separation of the supplies and inventory.

[2013, c. 344, §1 (AMD).]

4. Application. This section does not apply to a dual license holder licensed under section 1208.

[2013, c. 344, §1 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 2009, c. 438, §1 (AMD). 2013, c. 344, §1 (AMD). 2015, c. 162, §1 (AMD). 2015, c. 494, Pt. D, §9 (AMD).

§11. RETAILER ON SAME PREMISES AS OTHER BUSINESSES

1. Connection with other licensed premises. Notwithstanding any other law or rule of the bureau, any retailer's licensed premise may be connected with any other retailer's licensed premise by a doorway or other apertures that are not securely and permanently sealed.

[1997, c. 373, §25 (AMD).]

2. Violation of public drinking law. Any persons taking a drink of liquor to another, offering a drink of liquor to another or consuming liquor within the licensed premises of an off-premise retail licensee under the common roof shall be considered in violation of Title 17, section 2003-A and shall be punished accordingly.

[1987, c. 45, Pt. A, §4 (NEW).]

3. Premises operated by licensee identified. An applicant for a license shall fully describe in the application the part of the premises that the applicant owns, leases or rents. The bureau may require the licensee to identify on the premises by an appropriate marking the area that the licensee owns, rents or leases.

[1997, c. 373, §25 (AMD).]

4. Inspection of business premises under common roof of licensee. All persons carrying on any business, except a financial institution or credit union, under the common roof and having common entranceways with a licensee shall agree in writing to allow reasonable inspection of their premises by authorized enforcement agents of the Department of Administrative and Financial Services and authorized representatives of the bureau.

[2013, c. 476, Pt. A, §6 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §25 (AMD). 2013, c. 368, Pt. V, §15 (AMD). 2013, c. 476, Pt. A, §6 (AMD).

§12. INSPECTION OF PREMISES

No licensee may refuse representatives of the bureau the right at any time to inspect the entire licensed premises or to audit the books and records of the licensee. [1997, c. 373, §26 (AMD).]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1997, c. 373, §26 (AMD).

§13. LOW-ALCOHOL SPIRITS PRODUCT SOLD BY WINE LICENSEES

Notwithstanding any provision of this Title, a person licensed to sell wine for consumption on or off the premises may also sell low-alcohol spirits products. All provisions of this Title applicable to wine, except chapters 65 and 67, apply to low-alcohol spirits products when sold by persons licensed to sell wine for consumption on or off the premises. [1991, c. 528, Pt. RRR, (AFF); 1991, c. 528, Pt. VV, §3 (NEW); 1991, c. 591, Pt. VV, §3 (NEW).]

SECTION HISTORY

1991, c. 528, §VV3 (NEW). 1991, c. 528, §RRR (AFF). 1991, c. 591, §VV3 (NEW).

§14. HARD CIDER SOLD BY MALT LIQUOR LICENSEES

Notwithstanding any other provision of this Title, a person licensed to sell malt liquor for consumption on or off premises may also sell hard cider. All provisions of this Title applicable to malt liquor apply to hard cider when hard cider is sold by persons licensed to sell malt liquor for consumption on or off premises. [2003, c. 68, §1 (NEW).]

SECTION HISTORY

2003, c. 68, §1 (NEW).

§15. DISPLAY OF SIGNS

A licensee under chapter 19 or 45 shall post a sign provided by the commissioner in a conspicuous location at the licensed premises informing customers of the provisions of sections 2051 and 2081. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$200 may be adjudged for any one offense. [2005, c. 437, §1 (NEW).]

SECTION HISTORY

2005, c. 437, §1 (NEW).

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